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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 CURTIS E. MILLER,

12 Plaintiff,

13 vs.

14 T. CATLETT; A. AMAT,

15 Defendants.

CASE NO. 08cv2428 DMS (PCL)

**ORDER DENYING PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION**

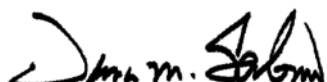
[Docket No. 33]

16 This case comes before the Court on Plaintiff's motion for reconsideration of this Court's  
17 February 1, 2010 Order granting in part and denying in part Defendants' motion to dismiss.  
18 Specifically, Plaintiff seeks reconsideration of the Court's decision to dismiss his state law claim with  
19 prejudice. Defendants have filed an opposition to the motion, and Plaintiff has filed a reply.

20 "Reconsideration is appropriate if the district court (1) is presented with newly discovered  
21 evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an  
22 intervening change in controlling law." *School Dist. No. 1J, Multnomah County, Oregon v. ACandS,*  
23 *Inc.*, 5 F.3d 1255, 1263 (9<sup>th</sup> Cir. 1993). Plaintiff has not shown that any of these circumstances is  
24 present in this case. Accordingly, his motion for reconsideration is denied.

25 **IT IS SO ORDERED.**

26 DATED: May 20, 2010

27   
28 HON. DANA M. SABRAW  
United States District Judge